

Social worker: Ekramuzzaman
Khan

Registration number: SW28784

Fitness to Practise

Final Order Review Meeting

Date of Meeting: 27 February 2024

Meeting venue: Remote Meeting

Final order being reviewed:
Suspension order (expiring 06 April 2024)

Hearing Outcome:
Removal of Mr Khan from the register of social workers

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed for a period of 36 months by a Fitness to Practice panel on 10 March 2021.
2. Mr Khan did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

Adjudicators	Role
Jayne Wheat	Chair
Charlotte Scott	Social worker adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
Heather Hibbins	Hearings support officer
David Mason	Legal adviser

Service of notice:

4. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 25 January 2024 and addressed to Mr Khan at his registered address;
 - An extract from the Social Work England Register as at 25 January 2024 detailing Mr Khan's registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 25 January 2024 the writer sent by next day special delivery post to Mr Khan at the address referred to above: notice of hearing and related documents;
 - A copy of the Royal Mail Track and Trace Document indicating a "signed for" delivery in the name of 'Khan' to Mr Khan's address at 09.17am on 26 January 2024.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to Rules 44 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Mr Khan in accordance with the Rules.

7. The notice of final order review informed Mr Khan that the review would take place as a meeting. The notice stated:

“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 9 February 2024. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”

8. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
10. The panel received no information to suggest that Mr Khan had responded to the notice of final order review.
11. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

“Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting.”

12. The panel was satisfied that it would be fair and appropriate to conduct the review in the absence of Mr Khan and in the form of a meeting in accordance with Rule 16(c).

Background and Procedural History

In October 2014, the London Borough of Barnet engaged Mr Khan via an agency as a social worker to support vulnerable adults as a member of the Learning Disability Team. In March 2015 Mr Khan was made a permanent employee. In 2015 concerns were raised in relation to the quality of the assessments and records written by Mr Khan.

In January 2017, following a review of 14 cases, Mr Khan was placed on an informal capability process, with an improvement plan being put in place.

Due to an alleged lack of improvement, Mr Khan was placed on a formal capability process. It is alleged that no improvement was observed in Mr Khan's performance, despite supervision being provided during this period.

In January 2018, at a final capability review meeting, the London Borough of Barnet

decided that a capability hearing should be convened as there were concerns in respect of the poor quality of Mr Khan's assessments and reviews, incomplete case work, poor case note recording, poor case files, and insufficient consideration and recording of risk to service users.

On 28 March 2018 Mr Khan was dismissed from his employment on the ground of gross incapability.

On 7 November 2018, a panel of the Investigating Committee of the HCPC imposed an 18-month interim suspension order on Mr Khan as it considered that such an order was necessary for the protection of the public (in particular, vulnerable service users) and was otherwise in the public interest. This interim suspension order was reviewed and confirmed at the statutory intervals and, on 20th April 2020, it was extended to 6th May 2021 by an order of the High Court. The extended interim suspension order was reviewed and confirmed on 18th June, 1st September and 16th November 2020.

In the meantime, on 5th November 2019 a panel of the Investigating Committee of the HCPC found that there was a case to answer in respect of a range of allegations against Mr Khan.

The allegations found proved which resulted in the imposition of the final order were as follows

1. In relation to Service User 1, you:

- a. Did not complete the recording of an Adult Assessment which you undertook on or around 30 June 2017;*
- b. Did not complete the recording of a Self-Supported Assessment;*
- c. Did not create and/or record a Care and Support Plan;*
- d. Between dates on or around 19 March 2016 and 12 July 2017, did not record any case notes;*
- e. Did not complete and/or record an adequate risk assessment;*
- f. Did not undertake a face-to-face review within the statutory timescale of 12 months.*

2. In relation to Service User 2, you:

- a. Did not complete and/or record an adequate Self-Supported Assessment;*
- b. Did not complete and/or record an adequate risk assessment. PROVED*

3. In relation to Service User 3, you:

- a. Did not complete the recording of an Adult Assessment which you undertook on or around 26 October 2017;*

- b. Did not complete and/or record a Self-Supported Assessment;*
- c. Did not create and/or record a Care and Support Plan.*

4. In relation to Service User 4, you:

- a. Did not complete the recording of an Adult Assessment which you undertook on or around 25 August 2017;*
- b. Did not complete and/or record a Self-Supported Assessment;*
- c. Did not complete a Care and Support Plan;*

5. In relation to Service User 5, you:

- a. Did not record adequate information about Service User 5's life and history within the Self-Supported Assessment;*
- b. Did not complete and/or record a risk assessment.*

6. In relation to Service User 6, you:

- a. Did not complete and/or record an adequate risk assessment;*
- b. Did not complete and/or record a carer's assessment;*
- c.*
- d. Did not formulate and/or record a contingency or emergency plan for Service User 6, in that you did not create and/or record a Care and Support Plan.*

7. In relation to Service User 7, you:

- a. Did not complete and/or record an adequate risk assessment;*
- b. Did not update Service User 7's case notes to reflect that his father had passed away.*

8. In relation to Service User 8, you:

- a.*
- b. Did not complete and/or record an adequate risk assessment;*
- c. Did not create and/or record a Care and Support Plan.*

9. In relation to Service User 9, you:

- a.*
- b. Completed an application for carer respite without having completed and/or recorded a carer's assessment;*
- c. Did not complete the Self-Supported Assessment to an adequate standard;*
- d. Did not complete and/or record a Care and Support Plan prior to making an application before the Quality Assurance Panel. PROVED*

In relation to Service User 10, you did not complete in a timely manner the recording of an Eligibility Assessment which you undertook on or around 25 March 2015.

In relation to Service User 11, you did not complete in a timely manner the

recording of an Eligibility Assessment which you undertook on or around 23 July 2015.

In relation to Service User 12, you did not complete in a timely manner recording of an Eligibility Assessment which you undertook on or around 10 March 2016.

The final hearing panel on 10 March 2021 determined the following with regard to impairment:

“In arriving at its decision on impairment, the panel first considered the risk posed by Mr Khan to the health, safety and well-being of the public. In this regard:

- The panel considered that the failings in Mr Khan’s practice, as evidenced by the panel’s numerous findings of fact, represented a risk to the health, safety and wellbeing of service users. The panel noted, in particular, Mr Khan’s inability to properly analyse risk and to complete safeguarding assessments to a satisfactory standard and within an acceptable timescale. In arriving at this conclusion, the panel bore in mind paragraph 44 of Social Work England’s Sanctions Guidance, which states “An action that, by good fortune, has not caused harm previously may still represent an unacceptable risk of causing serious harm if repeated. In such a case, there is no basis for regarding it as any less serious for the fact that actual harm did not occur.”*
- The panel also considered that the visit to Service User 9 mentioned by Ms Moulton in her evidence (see paragraph 49 above), highlighted Mr Khan’s inability to apply the strength-based approach and the potential for that to have an adverse effect on the opportunities offered to service users to live a more fulfilling life and develop to their full potential.*

The panel considered that Mr Khan displayed a marked lack of insight in several respects:

- Mr Khan did not appear to be aware of the failings in his practice, in particular his inability to properly analyse risk and to take timely action. Nor did he appear to be aware of the risks to service users which could arise in consequence of those failings. Indeed, in his written submissions, Mr Khan stated that he had never received any complaints from service users.*
- In terms of causation, it appeared to the panel that Mr Khan attributed any failings to his lack of proficiency in written English. However, in their evidence, both Mr Elphick and Mr Maskell had stated that they believed that he lacked the ability and/or the energy to acquire the required skills.*
- Nowhere in Mr Khan’s written submissions or in the evidence given by the witnesses at this hearing was there mention of an apology on the part of Mr Khan or any indication of Mr Khan’s showing any concern of the potential consequences for service users of the failings of his practice.*

In terms of remediation, for the twelve months preceding his dismissal, Mr Khan had received exemplary intensive support and supervision from Mr Elphick and,

subsequently, from Ms Moulton in order to assist him to remedy the deficiencies in his practice. However, that support did not result in any material improvement in Mr Khan's practice. This is evidenced, in particular, by Mr Maskell's statement that, at the conclusion of the capability process, Mr Maskell considered Mr Khan's skills to be so low that he was not suitable to be redeployed within the Barnet Council's social services department, even in a role which did not require a qualified social worker. In addition, both Mr Maskell and Mr Elphick expressed the view that Mr Khan did not have the ability to acquire the necessary skills. Moreover, it appears from Mr Khan's written submissions that he is no longer interested in pursuing a career as a registered social worker. In the circumstances, the panel concluded that there was no likelihood of Mr Khan being able to remediate his practice in the future.

Given the low level of Mr Khan's skills, his apparent inability to remedy that deficiency and his lack of insight, the panel considered the risk of repetition to be extremely high.

Given all the foregoing conclusions, the panel determined that Mr Khan's fitness to practice was impaired in terms of the risk which it posed to the health, safety and wellbeing of the public and, in particular, of service users.

In addition, given the extent and persistence of the failings of Mr Khan's practice, the panel also considered that reasonable and informed members of the public would be concerned if he were allowed to practice without restriction. For the same reasons, the panel considered that fellow social workers would also be concerned at his having no restrictions on his practice. Accordingly, the panel determined that Mr Khan's fitness to practice was also impaired in terms of the risk which it posed to the maintenance of public confidence in social workers and proper professional standards."

The final hearing panel on 10 March 2021 determined the following with regard to sanction:

"Before considering the available sanctions, the panel first considered the aggravating and mitigating factors in the present case. In terms of aggravating factors, the panel noted the comments of witnesses concerning Mr Khan's lack of basic skills and competence over an extended period of time, despite intensive support and guidance.

The panel did not consider there to be any mitigating factors. (In this latter regard, the panel noted that Mr Elphick and Mr Maskell considered that Mr Khan's difficulties arose from a lack of skills and an ability to acquire them rather than from his lack of proficiency with written English.)

The panel noted that, having determined that Mr Khan's fitness to practice was impaired, paragraph 12(3) of Schedule 2 to the Social Workers Regulations 2018

permitted the panel to take no further action, to give advice to Mr Khan or to make a final order. Given the extensive and persistent failings in Mr Khan's practice and the consequent need to protect the public (in terms of maintaining public health, safety and well-being, public confidence and proper professional standards), the panel considered that taking no further action or giving advice would be wholly inappropriate. It therefore decided to make a final order.

The panel considered that a warning order would not be appropriate in the present case given the risk to the public arising from Mr Khan's failings and the risk of those failings being repeated. In arriving at that decision, the panel had regard to paragraph 76 of Social Work England's Guidance on Sanctions, which states that warnings are not appropriate where there is a current risk to the public as they do not directly restrict practice and they can only be reviewed if new concerns are raised. The panel gave careful consideration to the question of whether a conditions of practice order would be sufficient to protect the public in the circumstances of the present case.

The panel concluded that such an order would not be practical or appropriate in the present circumstances for the following reasons:

- Mr Khan had already received around twelve months of intensive support and supervision, which, according to Mr Maskell, had produced, at best, only a marginal improvement. Moreover, it was the view of both Mr Elphick and Mr Maskell that Mr Khan did not appear to have the ability, or the motivation, to acquire the necessary skills. The panel therefore considered that providing further intensive support and supervision under a conditions of practice order would not be likely to result in any material improvement in Mr Khan's capability.*
- Given Mr Khan's lack of even basic skills, the level and intensity of support and supervision which would be required if a conditions of practice order were to have any prospect of being effective would require the allocation of significant management resource. If that resource were used to support Mr Khan, it could not be deployed to assist other members of staff or on other projects. Mr Maskell highlighted that Mr Elphick and Ms Moulton had devoted a considerable amount of their time over a prolonged period to support Mr Khan and this caused the panel to consider that making a conditions of practice order in such circumstances is likely to place an unwarranted strain on an employer's management resources for little or no effect. In addition, as mentioned by Mr Maskell, Mr Khan's colleagues were likely to have to spend time assisting him with certain tasks.*
- The panel was also concerned about Mr Khan's apparent lack of insight and the effect which this would have on the prospects of success of any conditions of practice order were the panel to impose one. In this regard, the panel noted that Mr Khan appeared to attribute his failings to his difficulties with written English*

and other external factors rather than to his lack of skills and his failure to acquire or improve them. Moreover, it seemed to the panel from Mr Khan's written submissions that his interests now lay working for a charity in Bangladesh rather than continuing his career in social work. In the circumstances, the panel considered that Mr Khan might well lack the inclination or motivation to commit to the work required for a conditions of practice order to produce a material improvement in his performance.

- Finally, given Mr Khan's low skill base, in order to have any prospect of being effective and the need to protect the public, any conditions of practice order would have to be so stringent as to be tantamount to a suspension.

Given that, as stated above, there was no realistic prospect of Mr Khan's improving his skills to the required level, and given that, in email and telephone communications with Capsticks LLP, Mr Khan had stated that he did not want to continue practising as a social worker and wished to be removed from the register, the panel would have made a removal order in respect of Mr Khan had that option been open to it. However, the panel was precluded from making a removal order by virtue of paragraph 13(2) of Schedule 2 to the Social Workers Regulations 2018 due to their finding of lack of competence and capability.

Accordingly, as the panel had concluded that a conditions of practice order was not appropriate, the only option available to the panel was suspension. The panel recognised the effects which a suspension order could have on Mr Khan financially, reputationally and in terms of de-skilling. Nevertheless, the panel was firmly of the view that, in the circumstances of the present case, a suspension order was the only viable means of adequately and effectively maintaining the health, safety and well being of the public. The panel also considered that a suspension order was also required in order to maintain public confidence in social workers and proper professional standards as a reasonable and informed member of the public, and fellow social workers, would be concerned, if, given his lack of fundamental skills, he were allowed to continue to practise.

In terms of duration, the panel considered that a period of suspension of three years was appropriate given the need to protect the health safety and well-being of the public and, in particular, of service users and given that, as stated above, the panel would have made a removal order were that option available to it.

FINAL ORDER: that Mr Khan be suspended from practising for a period of three years."

Social Work England submissions:

13. The panel considered the following submissions contained in the letter accompanying the notice of hearing dated 25 January 2024:

In summary, on behalf of Social Work England we submit that:

Social Work England invite the Panel to direct that the Social Worker's name is removed from the register.

The panel at the final hearing found that the Social Worker's fitness to practise was impaired as he lacked competence and capability.

The Final Hearing Panel found that the Social Worker had a low level of skills, had failed to remedy deficiencies despite 12 months of intensive supervision and that he lacked insight into the consequences of his deficiencies.

The Social Worker has provided no evidence of any improvement or change since the substantive hearing at which the Panel made the Order. He has not engaged with the Case Review Team. The review Panel are invited to find the Social Worker's fitness to practise is still impaired. The concerns about his ability, insight and motivation are such that there is no realistic prospect of him improving to the required standard and with no evidence of any remediation together with a high risk of repetition, the risk to the public remains.

Although the Panel made a Final Suspension Order they were of the view that, had the option of a Removal Order been available to them, that they would have made a Removal Order. In order to make a Removal Order for lack of competence the Social Worker would need to have been suspended from practise for a continuous period of 2 years immediately preceding the making of the Removal Order (13(2)(b), Schedule 2, The Social Workers Regulations 2018).

The Order came into effect from 7 April 2021. The Social Worker had been subject to the Order, and therefore suspended from practice for 2 years by 7 April 2023. The position at the review hearing will be that the Social Worker has been suspended from practice for a continuous period of 2 years immediately before the review hearing. The option to make a Removal Order is therefore open to the review panel.

Social Work England are currently investigating a further concern that the Social Worker is actively looking for Social Work roles via an agency and has not declared that he is suspended, that case is still under investigation and has not yet progressed to Case Examiners. Although the Panel should be made aware of the new concern

they are not invited to consider those unproven concerns as part of the review of the current Order. The case will close if the Social Worker is removed from the register.

Social Work England submit that the appropriate Order in this case is removal and invite the Panel to impose a Removal Order on the basis of the conduct previously determined, and the subject of this review, namely the widespread competence concerns that have not been remediated in any way.

Social worker submissions:

14. Mr Khan did not attend the review and did not provide the panel with written submissions.

Legal advice on impairment and sanction

15. The legal adviser advised that the panel would first have to consider whether Mr Khan's fitness to practice is currently impaired. He advised that it would have to consider the position as of today, looking forward, but that in doing so it would have to consider the material which led to the making of the final order and the reasons for the final hearing panel reaching the conclusion that Mr Khan's fitness to practice was then impaired. The legal adviser referred the panel to the case of *Cohen v GMC* [2008] EWHC 581 (Admin), where the court said:

It must be highly relevant in determining if...fitness to practise is impaired that first [the] conduct which led to the charge is easily remediable, second that it has been remedied, and third that it is highly unlikely to be repeated.

16. The legal adviser advised that the panel would have to consider this issue on the basis that Mr Khan had not provided any submissions or evidence to the panel demonstrating efforts to remedy his impairment. He also advised that the panel should not consider the information it had related to a possible indication that Mr Khan was considering returning to social work as a fitness to practise issue, but that it could take it into account in considering Mr Khan's insight and potential risk to the public.
17. The legal adviser advised that if the panel found that Mr Khan's fitness to practice is currently impaired, it would have to consider what sanction, if any, was now appropriate. He advised that its powers were to extend the present order of suspension for up to three years from its expiry date; to make a new order which could have been made by the final hearing panel from its expiry date; to convert the suspension order to a conditions of practice order from its expiry date; to revoke the order from the date of the review; or to order removal from the register, Mr Khan having been continuously suspended for a period of two years since the order of suspension was imposed.
18. The legal adviser advised that sanctions are not intended to be punitive but are intended to protect the public and the public interest. He referred the panel to the principle of proportionality and advised that any sanction imposed should be the minimum necessary to protect the public and the public interest. The legal adviser advised that the panel should

consider the least restrictive sanction first, in this case revoking the order as of today. He advised that although the panel should consider sanctions in ascending order of seriousness, it could consider the next more serious sanctions when considering if a sanction was appropriate and sufficient.

19. The legal adviser advised that the sanctions open to it were set out in the guidance. He advised that the panel should consider whether it was appropriate to issue advice or a warning, then whether it was appropriate to make a conditions of practice order, bearing in mind that conditions would have to be workable and sufficient to protect the public and the public interest.
20. The legal adviser referred to the prohibition on removal from the register where the case concerned competence and capability. He advised that the panel would have to consider whether there were now issues which although related to Mr Khan's competence and capability, might make removal from the register appropriate, such as a lack of insight or an unwillingness or inability to remediate. He also advised that as two years had elapsed since the order of suspension came into effect, removal was a sanction that was available to the panel.
21. The legal adviser referred the panel to the guidance on suspension beginning at paragraph 135 and to the guidance on removal, beginning at paragraph 148.

Panel decision and reasons on current impairment:

22. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panel. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and sanctions guidance'.
23. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and any new documentation before it. The panel also took account of the written submissions made on behalf of Social Work England.
24. The panel accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
25. The panel first considered whether Mr Khan's fitness to practise remains impaired. It noted the findings of the final hearing panel and concluded that the failings demonstrated by Mr Khan were wide ranging, involved a number of service users and were failures in fundamental requirements of social work. In particular it noted the substantial efforts by Mr Khan's employers at the relevant time to assist him to improve the standard of his work which had not resulted in improvement. It further noted that the employers had recorded that after those steps had been taken to bring about improvement Mr Khan could not be redeployed even to a role not requiring a social work qualification.

26. Mr Khan had not provided the panel with any material or submissions related to any attempt to remedy his deficiencies in the substantial period of time during which he has been suspended. It took into account the limited information it had indicating that Mr Khan had at least shown an interest in returning to social work when there was no evidence of him attempting to improve his performance to the required standards. The panel found that this demonstrated a lack of insight by Mr Khan into the deficiencies in his practice, the potential effects on others and the need to take steps to remedy his deficiencies. In light of the above, the panel concluded that there was a high risk of repetition.
27. The panel considered that in the circumstances set out above, a finding of impairment is required to protect the public given the risk of repetition identified. Further, the panel concluded that public confidence in the profession would be damaged if there was no finding of impairment.
28. The panel found that for the reasons given Mr Khan's fitness to practice remains currently impaired.

Decision and reasons on sanction

29. Having found Mr Khan's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser.
30. The panel noted the submissions made on behalf of Social Work England that the appropriate action would be to direct that Mr Khan be removed from the social workers' register. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
31. The panel was mindful that the purpose of any sanction is not to punish Mr Khan, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Mr Khan's interests with the public interest.
32. The panel first considered whether revoking the current order of suspension forthwith was an appropriate sanction. It found this was not an appropriate course to take as it would not protect the public and would damage the reputation of the profession.
33. The panel did not consider that issuing an advice or warning would be sufficient sanction as this would not protect the public and would damage the reputation of the profession.
34. The panel then considered whether a conditions of practice order was an appropriate sanction. It took into account the efforts by Mr Khan's previous employers to improve his standards of practice to the required level, his lack of engagement with his regulator since the final order was made and his apparent lack of insight into his failings. The panel considered that it was not possible to devise conditions of practice which would be workable and sufficient to protect the public. It also considered that a conditions of practice order would not meet the need to protect public confidence in the profession.

35. Having concluded that lesser sanctions were not appropriate, the panel considered whether it should exercise its power to extend the present order of suspension for up to three years. It referred to the guidance on suspension beginning at paragraph 135. It noted the guidance at paragraph 138:

Suspension is likely to be unsuitable in circumstances where (both of the following):

- the social worker has not demonstrated any insight and remediation
- there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings

36. The panel had concluded that Mr Khan had not demonstrated insight into his failings or provided any evidence of a willingness or ability to resolve them when considering whether his fitness to practice was currently impaired. The panel therefore found that a further period of suspension would not be appropriate. It found that the extent of Mr Khan's lack of insight was demonstrated by his apparent interest in returning to social work without him demonstrating any measures to improve his standards of practice.

37. In considering whether a further period of suspension was appropriate the panel also considered the guidance on removal beginning at paragraph 147. The panel was satisfied that a removal order was available to the panel as Mr Khan's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2), (b), (e) or (h) and that he will have been continuously suspended for a continuous period of two years immediately preceding the day when the removal order would take effect. It also considered that there were now issues beyond the original findings related to Mr Khan's competence and capability related to insight and willingness or ability to remediate his failings which it should take into account.

38. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel referred to the guidance at paragraph 149.

A removal order may be appropriate in cases involving (any of the following):

- persistent lack of insight into the seriousness of their actions or consequences
- social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)

39. The panel concluded that taking this guidance into account with the guidance at paragraph 138 on suspension and its findings over Mr Khan's insight and failure to attempt remediation, the appropriate order in this case was one of removal of Mr Khan from the register. The panel could see little prospect of Mr Khan gaining insight or attempting to remedy his deficiencies if he were suspended for a further period, in particular as he had shown no change in his level of insight or shown attempts at remediation in the time since

he was originally suspended. The panel considered that members of the public would lose confidence in the profession and the regulator if it imposed a further suspension order, as it would be unlikely to achieve any purpose.

Right of appeal:

40. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:
- a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
41. Under Paragraph 16(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
42. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
43. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

The Professional Standards Authority

44. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a review decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at:

<https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>